

REMARKS

The Office Action of September 8, 2004, has been carefully reviewed, and in view of the above amendments and the following remarks, reconsideration and allowance of the pending claims are respectfully requested.

In the above Office Action, claims 1-3, 6 and 7 were rejected under 35 U.S.C. § 112, second paragraph; claims 1-3, 6 and 7 were rejected under 35 U.S.C. § 103(a) as being unpatentable over *Yli-Vakkuri et al.* (U.S. Patent No. 5,437,704). Claim 1 was provisionally rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claim 3 of copending Application No. 10/458,203; claims 2 and 3 were provisionally rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over copending Application No. 10/458,203 in view of *Salonen et al.* (U.S. Patent No. 5,470,367).

Responsive to the provisional obviousness-type double patenting rejections, submitted herewith is a Terminal Disclaimer to obviate the same.

As set forth above, the claims have been carefully reviewed and amended to overcome the rejections under Section 112 and to resolve the multiple dependent improper form issues. In view of the above, Applicant respectfully submits that these objections and rejections have been overcome.

In addition, claim 1 has been amended to recite that the third radiation heating elements are disposed adjacent to one another in a lateral direction relative to at least one of the last preheating station and the at least one pre-bending station. As explained on page 2 of the instant application, in at least the final or last preheating station and the pre-bending station, the bottom panel of the pair of glass panels

heats more slowly than the top panel, resulting in slower bending and/or leading to unnecessary overheating of the top panel. In order to resolve this problem, the present invention provides third radiation heating elements disposed on top of the intermediate floor and positioned below the level defined by the floor of the mould carriage. Moreover, as recited in amended claim 1, the third radiation heating elements are disposed adjacent to one another in a lateral direction relative to at least one of the last preheating station and the at least one pre-bending station.

The prior art upon which the Examiner relies, *Yli-Vakkuri et al.*, also recognizes the problem addressed by the present invention, but suggests that this problem is solved through the use of forced convection from below in the pre-heating sections. The heating elements 12w in *Yli-Vakkuri et al.* are provided in the sidewalls of the furnace, and as shown in Figure 7, are vertically arranged -- not laterally -- relative to the preheating section and bending section. Moreover, since the purpose of the heating elements 12w is to ensure the bending of the corners, one skilled in the art would recognize that the heating elements 12w would not properly perform their function if positioned laterally, as in the present invention.

As cautioned by the Federal Circuit, where a modification of the prior art device would render such device inoperable for its intended purpose, the mere fact that the prior art device could be so modified would not have made the modification obvious. In re Gordon, 221 USPQ 1125, 1127 (Fed. Cir. 1984).

Accordingly, Applicant respectfully submits that it would not be obvious to laterally arrange the heating elements 12w of *Yli-Vakkuri et al.* and that the present invention as recited in amended claim 1 would thus not be rendered unpatentable.

CONCLUSION

In view of the above amendments and remarks, Applicant respectfully submits that the claims of the present application are now in condition for allowance, and an early indication of the same is earnestly solicited.

Should any questions arise in connection with this application or should the Examiner believe that a telephone conference would be helpful in resolving any remaining issues pertaining to this application; the Examiner is kindly invited to call the undersigned counsel for Applicant regarding the same.

Respectfully submitted,

BURNS, DOANE, SWECKER & MATHIS, L.L.P.

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By: 
Wendi L. Weinstein
Registration No. 34,456

P.O. Box 1404
Alexandria, Virginia 22313-1404
(703) 836-6620